

**ELECTION LAW MODIFICATIONS**

2008 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill modifies provisions of the Election Code.

**Highlighted Provisions:**

This bill:

- ▶ consolidates provisions for calculating time when dates of interest fall on a Saturday, Sunday, or legal holiday;
- ▶ consolidates the date for the lieutenant governor's certification of candidates, ballot measures, and other matters to a single date;
- ▶ modifies the date for circulation of the voter information pamphlet to accommodate the early voting period;
- ▶ provides alternative deadlines for submissions to the voter information pamphlet to accommodate voter information pamphlets issued for elections other than the regular general election;
- ▶ modifies language to clarify differences between a statewide voter information pamphlet and a local voter information pamphlet;
- ▶ provides a definition to clarify disclosure requirements for candidates that own media outlets;
- ▶ modifies inaccurate references to reporting years for campaign finance reports;
- ▶ clarifies certain definitions;
- ▶ establishes residency requirements for state and local boards of education; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 33        **20A-1-401**, as last amended by Laws of Utah 1993, Chapter 228
- 34        **20A-2-102.5**, as last amended by Laws of Utah 2007, Chapter 285
- 35        **20A-2-201**, as last amended by Laws of Utah 2007, Chapter 285
- 36        **20A-3-404**, as last amended by Laws of Utah 2006, Chapter 264
- 37        **20A-4-101**, as last amended by Laws of Utah 2007, Chapter 75
- 38        **20A-4-306**, as last amended by Laws of Utah 2007, Chapter 75
- 39        **20A-5-409**, as last amended by Laws of Utah 2003, Chapter 77
- 40        **20A-6-301**, as last amended by Laws of Utah 2006, Chapter 326
- 41        **20A-6-303**, as last amended by Laws of Utah 2007, Chapter 198
- 42        **20A-6-304**, as last amended by Laws of Utah 2007, Chapter 198
- 43        **20A-7-103**, as last amended by Laws of Utah 2007, Chapter 238
- 44        **20A-7-209**, as last amended by Laws of Utah 2005, Chapter 236
- 45        **20A-7-503**, as last amended by Laws of Utah 2007, Chapter 78
- 46        **20A-7-701**, as last amended by Laws of Utah 1997, Chapter 215
- 47        **20A-7-702**, as last amended by Laws of Utah 2005, Chapter 236
- 48        **20A-7-703**, as enacted by Laws of Utah 1995, Chapter 1 and last amended by Laws of
- 49        Utah 1995, Chapter 153
- 50        **20A-7-705**, as last amended by Laws of Utah 1999, Chapter 116
- 51        **20A-7-706**, as last amended by Laws of Utah 2001, Chapter 65
- 52        **20A-9-201**, as last amended by Laws of Utah 2007, Chapters 83, and 97
- 53        **20A-9-202**, as last amended by Laws of Utah 2005, Chapter 71
- 54        **20A-9-203**, as last amended by Laws of Utah 2007, Chapters 83, 97, and 256
- 55        **20A-9-403**, as last amended by Laws of Utah 2006, Chapter 16
- 56        **20A-9-601**, as last amended by Laws of Utah 2006, Chapter 264
- 57        **20A-9-701**, as last amended by Laws of Utah 2007, Chapters 97, and 238
- 58        **20A-9-802**, as last amended by Laws of Utah 2006, Chapter 355
- 59        **20A-9-803**, as last amended by Laws of Utah 2007, Chapter 97
- 60        **20A-11-101**, as last amended by Laws of Utah 2004, Chapter 90
- 61        **20A-11-102**, as enacted by Laws of Utah 1995, Chapter 1
- 62        **20A-11-203**, as last amended by Laws of Utah 1997, Chapter 355
- 63        **20A-11-302**, as last amended by Laws of Utah 1997, Chapter 355

64        **20A-11-506**, as last amended by Laws of Utah 1997, Chapter 355  
65        **20A-11-601**, as last amended by Laws of Utah 2006, Chapter 226  
66        **20A-11-801**, as last amended by Laws of Utah 2006, Chapter 226  
67        **20A-11-1101**, as enacted by Laws of Utah 1995, Chapter 1  
68        **20A-11-1202**, as last amended by Laws of Utah 2007, Chapter 329  
69        **20A-11-1203**, as enacted by Laws of Utah 1995, Chapter 158  
70        **20A-11-1302**, as enacted by Laws of Utah 1997, Chapter 355  
71        **20A-12-201**, as last amended by Laws of Utah 2001, Chapter 308  
72        **20A-14-103**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,  
73            Chapter 2  
74        **20A-14-202**, as last amended by Laws of Utah 2003, Chapter 315

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76        *Be it enacted by the Legislature of the state of Utah:*

77            Section 1. Section **20A-1-401** is amended to read:

78        **20A-1-401. Interpretation of election laws -- Computation of time.**

79            (1) Courts and election officers shall construe the provisions of Title 20A, Election  
80        Code, liberally to carry out the intent of this title.

81            (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be  
82        included in all computations of ~~[time]~~ days made under the provisions of Title 20A, Election  
83        Code.

84            (3) Unless otherwise specifically provided for under this Title 20A:

85            (a) when computing any number of days before or after a specified date or event under  
86        this Title 20A, the specified date or day of the event shall not be included in the count; and

87            (b) (i) if the commencement date of a time period preceding a specified date or event  
88        falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;

89            (ii) if the last day of a time period following a specified date or event falls on a  
90        Saturday, Sunday, or legal holiday, the time period shall be extended to the following business  
91        day; and

92            (iii) if a deadline that falls before or after a specified date or event falls on a Saturday,  
93        Sunday, or legal holiday, the deadline shall be considered to fall on the following business day.

Section 2. Section **20A-2-102.5** is amended to read:

**20A-2-102.5. Voter registration deadline.**

(1) Except as provided in Section 20A-2-201 and in Title 20A, Chapter 3, Part 4, Voting by Members of the Military and by Other Persons Living or Serving Abroad, a person who fails to submit a correctly completed voter registration form on or before the voter registration deadline shall not be permitted to vote in the election.

(2) The voter registration deadline shall be the date that is 30 calendar days before the date of the election.

~~[(3) If the voter registration deadline established in Subsection (2) falls on a weekend or holiday, it shall be extended to the next regular business day.]~~

Section 3. Section **20A-2-201** is amended to read:

**20A-2-201. Registering to vote at office of county clerk.**

(1) Except as provided in Subsection (3), the county clerk shall register to vote all persons who present themselves for registration at the county clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county.

(2) If a registration form is submitted in person at the office of the county clerk during the period beginning on the date after the voter registration deadline and ending on the date that is 15 calendar days before the date of the election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that:

(i) they will be registered to vote in the pending election; and

(ii) for the pending election, they must vote on the day of the election and will not be eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they registered too late.

~~(3) [Except as provided in Subsection (3), if]~~ If a registration form is submitted to the county clerk on the date of the election or during the 14 calendar days before an election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at

the clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that they will be registered to vote but may not vote in the pending election because they registered too late.

Section 4. Section **20A-3-404** is amended to read:

**20A-3-404. Special military write-in absentee ballots.**

(1) ~~[(a)]~~ Notwithstanding any other provisions of this chapter, a military voter may apply for a special write-in absentee ballot not later than the date 20 days before the date of an election.

~~[(b) If the application deadline falls on a weekend or holiday, it shall be extended to the next regular business day.]~~

(2) To qualify for a special write-in absentee ballot, a military voter shall:

(a) apply for a special write-in absentee ballot by submitting a federal postcard application form; and

(b) state on the form or on a separate paper submitted with the form that he is unable to vote by regular absentee ballot or in person because of his military service.

(3) Upon receipt of the application, the county clerk shall issue and mail a special military write-in ballot.

Section 5. Section **20A-4-101** is amended to read:

**20A-4-101. Counting paper ballots during election day.**

(1) Each county legislative body or municipal legislative body that has voting precincts that use paper ballots and each poll worker in those voting precincts shall comply with the requirements of this section.

(2) (a) Each county legislative body or municipal legislative body shall provide:

(i) two sets of ballot boxes for all voting precincts where both receiving and counting judges have been appointed; and

(ii) a counting room for the use of the poll workers counting the ballots during the day.

(b) At any election in any voting precinct in which both receiving and counting judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:

(i) close the first ballot box and deliver it to the counting judges; and

(ii) prepare and use another ballot box to receive voted ballots.

- 156 (c) Upon receipt of the ballot box, the counting judges shall:
- 157 (i) take the ballot box to the counting room;
- 158 (ii) count the votes on the regular ballots in the ballot box;
- 159 (iii) place the provisional ballot envelopes in the envelope or container provided for
- 160 them for return to the election officer; and
- 161 (iv) when they have finished counting the votes in the ballot box, return the emptied
- 162 box to the receiving judges.
- 163 (d) (i) During the course of election day, whenever there are at least 20 ballots
- 164 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
- 165 judges for counting; and
- 166 (ii) the counting judges shall immediately count the regular ballots and segregate the
- 167 provisional ballots contained in that box.
- 168 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
- 169 until the polls close.
- 170 (3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe
- 171 the count.
- 172 (4) The counting judges shall apply the standards and requirements of Section
- 173 ~~[20A-4-104]~~ 20A-4-105 to resolve any questions that arise as they count the ballots.
- 174 Section 6. Section **20A-4-306** is amended to read:
- 175 **20A-4-306. Statewide canvass.**
- 176 (1) (a) The state board of canvassers shall convene:
- 177 (i) on the fourth Monday of November, at noon; or
- 178 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
- 179 returns of a statewide special election.
- 180 (b) The state auditor, the state treasurer, and the attorney general are the state board of
- 181 canvassers.
- 182 (c) Attendance of all members of the state board of canvassers shall be required to
- 183 constitute a quorum for conducting the canvass.
- 184 (2) (a) The state board of canvassers shall:
- 185 (i) meet in the lieutenant governor's office; and
- 186 (ii) compute and determine the vote for officers and for and against any ballot

187 propositions voted upon by the voters of the entire state or of two or more counties.

188 (b) The lieutenant governor, as secretary of the board shall file a report in his office  
189 that details:

190 (i) for each statewide officer and ballot proposition:

191 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

192 (B) the candidates for each statewide office whose names appeared on the ballot, plus  
193 any recorded write-in candidates;

194 (C) the number of votes from each county cast for each candidate and for and against  
195 each ballot proposition;

196 (D) the total number of votes cast statewide for each candidate and for and against each  
197 ballot proposition; and

198 (E) the total number of votes cast statewide; and

199 (ii) for each officer or ballot proposition voted on in two or more counties:

200 (A) the name of each of those offices and ballot propositions that appeared on the  
201 ballot;

202 (B) the candidates for those offices, plus any recorded write-in candidates;

203 (C) the number of votes from each county cast for each candidate and for and against  
204 each ballot proposition; and

205 (D) the total number of votes cast for each candidate and for and against each ballot  
206 proposition.

207 (c) The lieutenant governor shall:

208 (i) prepare certificates of election for:

209 (A) each successful candidate; and

210 (B) each of the presidential electors of the candidate for president who received a  
211 majority of the votes;

212 (ii) authenticate each certificate with his seal; and

213 (iii) deliver a certificate of election to:

214 (A) each candidate who had the highest number of votes for each office; and

215 (B) each of the presidential electors of the candidate for president who received a  
216 majority of the votes.

217 (3) If the lieutenant governor has not received election returns from all counties on the

218 fifth day before the day designated for the meeting of the state board of canvassers, the  
219 lieutenant governor shall:

220 (a) send a messenger to the clerk of the board of county canvassers of the delinquent  
221 county;

222 (b) instruct the messenger to demand a certified copy of the board of canvasser's report  
223 required by Section 20A-4-304 from the clerk; and

224 (c) pay the messenger the per diem provided by law as compensation.

225 (4) The state board of canvassers may not withhold the declaration of the result or any  
226 certificate of election because of any defect or informality in the returns of any election if the  
227 board can determine from the returns, with reasonable certainty, what office is intended and  
228 who is elected to it.

229 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant  
230 governor shall:

231 (i) canvass the returns for all multicounty candidates required to file with the office of  
232 the lieutenant governor; and

233 (ii) publish and file the results of the canvass in the lieutenant governor's office.

234 (b) The lieutenant governor shall certify the results of the primary canvass to the  
235 county clerks not later than the August 1 after the primary election.

236 (6) (a) At noon on the Tuesday that falls two weeks after the Western States  
237 Presidential Primary election, the lieutenant governor shall:

238 (i) canvass the returns; and

239 (ii) publish and file the results of the canvass in the lieutenant governor's office.

240 (b) The lieutenant governor shall certify the results of the Western States Presidential  
241 Primary canvass to each registered political party that participated in the primary not later than  
242 the April 15 after the primary election[, or the following business day if April 15 falls on a  
243 Saturday, Sunday, or a holiday].

244 Section 7. Section **20A-5-409** is amended to read:

245 **20A-5-409. Certification of candidates to county clerks.**

246 [By] No later than September [3] 8 of each regular general election year, the lieutenant  
247 governor shall certify to each county clerk the name of each candidate qualified to be printed  
248 on the regular general election ballot for that county clerk's county.



Section 8. Section **20A-6-301** is amended to read:

**20A-6-301. Paper ballots -- Regular general election.**

(1) Each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular general election contain no captions or other endorsements except as provided in this section;

(b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words " Poll Worker's Initial \_\_\_\_ " are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(c) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Ballot for \_\_\_\_ County, Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the county clerk and the words "county clerk";

(d) each ticket is placed in a separate column on the ballot in the order determined by the election officer with the party emblem, followed by the party name, at the head of the column;

(e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

(f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and the top of the circle is placed not less than two inches below the perforated line;

(g) unaffiliated candidates and candidates not affiliated with a registered political party are listed in one column, without a party circle, with the following instructions printed at the head of the column: "All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.";

(h) the columns containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

(i) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

(j) the names of candidates are printed in capital letters, not less than 1/8 nor more than

280 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of  
281 an inch apart;

282 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the  
283 right of the name of each candidate;

284 (l) for the offices of president and vice president and governor and lieutenant governor,  
285 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a  
286 double bracket enclosing the right side of the names of the two candidates;

287 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a  
288 write-in column long enough to contain as many written names of candidates as there are  
289 persons to be elected with:

290 (i) for each office on the ballot, the office to be filled plainly printed immediately  
291 above:

292 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a  
293 square with sides measuring not less than 1/4 of an inch in length printed at the right of the  
294 blank horizontal line; or

295 (B) for the offices of president and vice president and governor and lieutenant  
296 governor, two blank horizontal lines, one placed above the other, to enable the entry of two  
297 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in  
298 length printed opposite a double bracket enclosing the right side of the two blank horizontal  
299 lines; and

300 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
301 1/2 inch circle;

302 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the  
303 right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point  
304 solid rule running vertically the full length of the nonpartisan ballot copy; and

305 (o) constitutional amendments or other questions submitted to the vote of the people,  
306 are printed on the ballot after the list of candidates.

307 (2) Each election officer shall ensure that:

308 (a) each person nominated by any political party or group of petitioners is placed on the  
309 ballot:

310 (i) under the party name and emblem, if any; or

(ii) under the title of the party or group as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

(a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight-point;

(b) the words designating the office are printed flush with the left-hand margin;

(c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of the column;

(d) the nonpartisan candidates are grouped according to the office for which they are candidates;

(e) the names in each group are placed in alphabetical order with the surnames last, except for candidates for the State Board of Education and local school boards;

(f) the names of candidates for the State Board of Education are placed on the ballot as certified by the lieutenant governor under Section 20A-14-105;

(g) if candidates for membership on a local board of education were selected in a primary election, the name of the candidate who received the most votes in the primary election is listed first on the ballot;

(h) if candidates for membership on a local board of education were not selected in the primary election, the names of the candidates are listed on the ballot in the order determined by a lottery conducted by the county clerk; and

(i) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for two or more," according to the number to be elected.

(4) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed on the ballot under the

heading "Constitutional Amendment Number \_\_\_\_" with the number of the constitutional amendment as assigned under Section 20A-7-103 placed in the blank;

(b) propositions submitted to the voters by the Utah Legislature are listed on the ballot under the heading "State Proposition Number \_\_\_\_" with the number of the state proposition as assigned under Section 20A-7-103 placed in the blank;

(c) propositions submitted to the voters by a county are listed on the ballot under the heading "County Proposition Number \_\_\_\_" with the number of the county proposition as assigned by the county legislative body placed in the blank;

(d) propositions submitted to the voters by a school district are listed on the ballot under the heading "School District Proposition Number \_\_\_\_" with the number of the school district proposition as assigned by the county legislative body placed in the blank;

(e) state initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Initiative Number \_\_\_\_" with the number of the state initiative as assigned by Section 20A-7-209 placed in the blank;

(f) county initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Initiative Number \_\_\_\_" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Referendum Number \_\_\_\_" with the number of the state referendum as assigned under ~~[Sections 20A-7-209 and]~~ Section 20A-7-308 placed in the blank;

(h) county referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Referendum Number \_\_\_\_" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank; and

(i) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

Section 9. Section **20A-6-303** is amended to read:

**20A-6-303. Regular general election -- Ballot sheets.**

(1) Each election officer shall ensure that:

(a) copy on the ballot sheets or ballot labels, as applicable, are arranged in approximately the same order as paper ballots;

(b) the titles of offices and the names of candidates are printed in vertical columns or in

373 a series of separate pages;

374 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to  
375 include, after the list of candidates:

376 (i) the names of candidates for judicial offices and any other nonpartisan offices; and  
377 (ii) any ballot propositions submitted to the voters for their approval or rejection;

378 (d) (i) a voting square or position is included where the voter may record a straight  
379 party ticket vote for all the candidates of one party by one mark or punch; and  
380 (ii) the name of each political party listed in the straight party selection area includes  
381 the word "party" at the end of the party's name;

382 (e) the tickets are printed in the order determined by the county clerk;

383 (f) the office titles are printed above or at the side of the names of candidates so as to  
384 indicate clearly the candidates for each office and the number to be elected;

385 (g) the party designation of each candidate is printed to the right or below the  
386 candidate's name; and

387 (h) (i) if possible, all candidates for one office are grouped in one column or upon one  
388 page;

389 (ii) if all candidates for one office cannot be listed in one column or grouped on one  
390 page:

391 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of  
392 candidates is continued on the following column or page; and

393 (B) approximately the same number of names shall be printed in each column or on  
394 each page; and

395 (i) arrows shall be used to indicate the place to vote for each candidate and on each  
396 measure.

397 (2) Each election officer shall ensure that:

398 (a) proposed amendments to the Utah Constitution are listed under the heading  
399 "Constitutional Amendment Number \_\_\_\_" with the number of the constitutional amendment as  
400 assigned under Section 20A-7-103 placed in the blank;

401 (b) propositions submitted to the voters by the Utah Legislature are listed under the  
402 heading "State Proposition Number \_\_\_\_" with the number of the state proposition as assigned  
403 under Section 20A-7-103 placed in the blank;

(c) propositions submitted to the voters by a county are listed under the heading "County Proposition Number \_\_\_\_" with the number of the county proposition as assigned by the county legislative body placed in the blank;

(d) propositions submitted to the voters by a school district are listed under the heading "School District Proposition Number \_\_\_\_" with the number of the school district proposition as assigned by the county legislative body placed in the blank;

(e) state initiatives that have qualified for the ballot are listed under the heading "Citizen's State Initiative Number \_\_\_\_" with the number of the state initiative as assigned under Section 20A-7-209 placed in the blank;

(f) county initiatives that have qualified for the ballot are listed under the heading "Citizen's County Initiative Number \_\_\_\_" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed under the heading "Citizen's State Referendum Number \_\_\_\_" with the number of the state referendum as assigned under ~~Sections 20A-7-209 and~~ Section 20A-7-308 placed in the blank;

(h) county referenda that have qualified for the ballot are listed under the heading "Citizen's County Referendum Number \_\_\_\_" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank; and

(i) bond propositions that have qualified for the ballot are listed under the title assigned to each bond proposition under Section 11-14-206.

Section 10. Section **20A-6-304** is amended to read:

**20A-6-304. Regular general election -- Electronic ballots.**

(1) Each election officer shall ensure that:

(a) the format and content of the electronic ballot is arranged in approximately the same order as paper ballots;

(b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate display screens;

(c) the electronic ballot is of sufficient length to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

(d) (i) a voting square or position is included where the voter may record a straight

435 party ticket vote for all the candidates of one party by making a single selection; and  
436 (ii) the name of each political party listed in the straight party selection area includes  
437 the word "party" at the end of the party's name;  
438 (e) the tickets are displayed in the order determined by the county clerk;  
439 (f) the office titles are displayed above or at the side of the names of candidates so as to  
440 indicate clearly the candidates for each office and the number to be elected;  
441 (g) the party designation of each candidate is displayed adjacent to the candidate's  
442 name; and  
443 (h) if possible, all candidates for one office are grouped in one column or upon one  
444 display screen.

445 (2) Each election officer shall ensure that:

446 (a) proposed amendments to the Utah Constitution are displayed under the heading  
447 "Constitutional Amendment Number \_\_\_\_" with the number of the constitutional amendment as  
448 assigned under Section 20A-7-103 placed in the blank;

449 (b) propositions submitted to the voters by the Utah Legislature are displayed under the  
450 heading "State Proposition Number \_\_\_\_" with the number of the state proposition as assigned  
451 under Section 20A-7-103 placed in the blank;

452 (c) propositions submitted to the voters by a county are displayed under the heading  
453 "County Proposition Number \_\_\_\_" with the number of the county proposition as assigned by the  
454 county legislative body placed in the blank;

455 (d) propositions submitted to the voters by a school district are displayed under the  
456 heading "School District Proposition Number \_\_\_\_" with the number of the school district  
457 proposition as assigned by the county legislative body placed in the blank;

458 (e) state initiatives that have qualified for the ballot are displayed under the heading  
459 "Citizen's State Initiative Number \_\_\_\_" with the number of the state initiative as assigned under  
460 Section 20A-7-209 placed in the blank;

461 (f) county initiatives that have qualified for the ballot are displayed under the heading  
462 "Citizen's County Initiative Number \_\_\_\_" with the number of the county initiative as assigned  
463 under Section 20A-7-508 placed in the blank;

464 (g) state referenda that have qualified for the ballot are displayed under the heading  
465 "Citizen's State Referendum Number \_\_\_\_" with the number of the state referendum as assigned

under ~~[Sections 20A-7-209 and]~~ Section 20A-7-308 placed in the blank;

(h) county referenda that have qualified for the ballot are displayed under the heading "Citizen's County Referendum Number \_\_\_\_" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank; and

(i) bond propositions that have qualified for the ballot are displayed under the title assigned to each bond proposition under Section 11-14-206.

Section 11. Section **20A-7-103** is amended to read:

**20A-7-103. Constitutional amendments and other questions -- Procedures for submission to popular vote.**

(1) The procedures contained in this section govern when:

(a) the Legislature submits a proposed constitutional amendment or other question to the voters; and

(b) an act of the Legislature is referred to the voters by referendum petition.

(2) In addition to the publication in the voter information pamphlet required by Section 20A-7-702, the lieutenant governor shall, not more than 60 days or less than ~~[ten]~~ 14 days before the ~~[regular general]~~ date of the election, publish the full text of the amendment, question, or statute in at least one newspaper in every county of the state where a newspaper is published.

(3) The legislative general counsel shall:

(a) entitle each proposed constitutional amendment "Constitutional Amendment Number \_\_\_\_" and give it a number;

(b) entitle each proposed question "State Proposition Number \_\_\_\_" and give it a number;

(c) entitle each state referendum that has qualified for the ballot "Citizen's State Referendum Number \_\_\_\_" and give it a number;

(d) draft and designate a ballot title that summarizes the subject matter of the amendment or question; and

(e) deliver ~~[them]~~ each number and title to the lieutenant governor.

(4) The lieutenant governor shall certify the number and ballot title of each amendment or question to the county clerk of each county no later than ~~[September 1 of each regular general election year]~~ 50 days before the date of the election.

(5) The county clerk of each county shall:



(a) ensure that both the number and title of the amendment, question, or referendum is printed on the sample ballots and official ballots; and

(b) publish them as provided by law.

Section 12. Section **20A-7-209** is amended to read:

**20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**

(1) By July 6 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each state initiative that has qualified for the ballot "Citizen's State Initiative Number \_\_\_" and give it a number;

(ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and

(iii) return each petition and ballot title to the lieutenant governor by July 20.

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall be not more than 100 words.

(c) For each state initiative, the official ballot shall show:

(i) the number of the initiative as determined by the Office of Legislative Research and General Counsel;

(ii) the ballot title as determined by the Office of Legislative Research and General Counsel; and

(iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5.

(3) By July 21, the lieutenant governor shall mail a copy of the ballot title to any sponsor of the petition.

(4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme Court.

(ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the appeal to:

(A) any person or group that has filed an argument for or against the measure that is the

528 subject of the challenge; or

529 (B) any political issues committee established under Section 20A-11-801 that has filed  
530 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
531 email address, and telephone number of the person designated to receive notice about any  
532 issues relating to the initiative.

533 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative  
534 Research and General Counsel is an impartial summary of the contents of the initiative.

535 (ii) The Supreme Court may not revise the wording of the ballot title unless the  
536 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is  
537 patently false or biased.

538 (c) The Supreme Court shall:

539 (i) examine the ballot title;

540 (ii) hear arguments; and

541 (iii) by August 10, certify to the lieutenant governor a ballot title for the measure that  
542 meets the requirements of this section.

543 (d) ~~[By September 1, the]~~ The lieutenant governor shall, no later than September 8,  
544 certify the title verified by the Supreme Court to the county clerks to be printed on the official  
545 ballot.

546 Section 13. Section **20A-7-503** is amended to read:

547 **20A-7-503. Form of initiative petitions and signature sheets.**

548 (1) (a) Each proposed initiative petition shall be printed in substantially the following  
549 form:

550 "INITIATIVE PETITION To the Honorable \_\_\_\_, County Clerk/City Recorder/Town  
551 Clerk:

552 We, the undersigned citizens of Utah, respectfully demand that the following proposed  
553 law be submitted to: the legislative body for its approval or rejection at its next meeting; and  
554 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes  
555 no action on it.

556 Each signer says:

557 I have personally signed this petition;

558 I am registered to vote in Utah or intend to become registered to vote in Utah before the

559 certification of the petition names by the county clerk; and  
560 My residence and post office address are written correctly after my name."  
561 (b) The sponsors of an initiative shall attach a copy of the proposed law to each  
562 initiative petition.

563 (2) Each signature sheet shall:

564 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

565 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
566 blank for the purpose of binding;

567 (c) contain the title of the initiative printed below the horizontal line;

568 (d) contain the initial fiscal impact estimate's summary statement issued by the budget  
569 officer according to Subsection 20A-7-502.5(2)(b) printed or typed in not less than 12-point,  
570 bold type, at the top of each signature sheet under the title of the initiative;

571 (e) contain the word "Warning" printed or typed at the top of each signature sheet  
572 under the initial fiscal impact estimate's summary statement;

573 (f) contain, to the right of the word "Warning," the following statement printed or  
574 typed in not less than eight-point, single leaded type:

575 "It is a class A misdemeanor for anyone to sign any initiative petition with any other  
576 name than his own, or knowingly to sign his name more than once for the same measure, or to  
577 sign an initiative petition when he knows he is not a registered voter and knows that he does  
578 not intend to become registered to vote before the certification of the petition names by the  
579 county clerk.";

580 (g) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement  
581 required by this section;

582 (h) be vertically divided into columns as follows:

583 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
584 headed with "For Office Use Only", and be subdivided with a light vertical line down the  
585 middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

586 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
587 Name (must be legible to be counted)";

588 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered  
589 Voter";

(iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

(v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and

(vi) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."; and

(i) contain the following statement, printed or typed upon the back of each sheet:

"Verification

State of Utah, County of \_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

I am a resident of Utah and am at least 18 years old;

All the names that appear on this sheet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

\_\_\_\_\_ "

(3) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 14. Section **20A-7-701** is amended to read:

**20A-7-701. Voter information pamphlet to be prepared.**

(1) The lieutenant governor shall cause to be printed a voter information pamphlet designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the supporting and opposing arguments of any measure submitted to the voters by the Legislature or by a statewide initiative or referendum petition.

(2) The pamphlet shall also include a separate section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process.

(3) The lieutenant governor shall cause to be printed as many voter information

pamphlets as needed to comply with the provisions of this chapter.

(4) Voter information pamphlets prepared in association with a local initiative or a local referendum shall be prepared in accordance with the procedures and requirements of Section 20A-7-402.

Section 15. Section **20A-7-702** is amended to read:

**20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

(a) printed and bound in a single pamphlet;

(b) printed in clear readable type, no less than ten-point, except that the text of any measure may be set forth in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following items in this order:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before ~~[July 15 at]~~ 5 p.m. on the date that falls 105 days before the date of the election;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

(i) a copy of the number and ballot title of the measure;

(ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;

(iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;

(iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the

measure, with the name and title of the authors at the end of each argument or rebuttal;

(v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets; and

(vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5;

(h) a description provided by the Judicial Council of the selection and retention process for judges, including, in the following order:

(i) a description of the judicial selection process;

(ii) a description of the judicial performance evaluation process;

(iii) a description of the judicial retention election process;

(iv) a list of the criteria and minimum standards of judicial performance evaluation;

(v) the names of the judges standing for retention election; and

(vi) for each judge:

(A) the counties in which the judge is subject to retention election;

(B) a short biography of professional qualifications and a recent photograph;

(C) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(D) a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Subsection 78-8-107(2), formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received; and

(E) a statement identifying whether or not the judge was certified by the Judicial Council;

(vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic format, the responses for each attorney, jury, and other survey question used by the Judicial Council for certification of judges, displayed in 1% increments;

(B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a

particular judge is too small to provide statistically reliable information in 1% increments, the survey results for that judge shall be reported as being above or below 70% and a statement by the surveyor explaining why the survey is statistically unreliable shall also be included;

(i) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(j) voter registration information, including information on how to obtain an absentee ballot;

(k) a list of all county clerks' offices and phone numbers; and

(l) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, \_\_\_\_\_ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on \_\_\_\_ (date of election), and that this pamphlet is complete and correct according to law. SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_ (month), \_\_\_\_ (year)

(signed) \_\_\_\_\_

Lieutenant Governor"

(3) The lieutenant governor shall:

(a) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state not more than 40 nor less than 15 days before the day fixed by law for the election;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.

Section 16. Section **20A-7-703** is amended to read:

**20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.**

(1) The director of the Office of Legislative Research and General Counsel, after the approval of the legislative general counsel as to legal sufficiency, shall:

(a) prepare an impartial analysis of each measure submitted to the voters by the Legislature or by initiative or referendum petition; and

(b) submit the impartial analysis to the lieutenant governor no later than ~~[August 20 of the year]~~ the day that falls 75 days before the date of the election in which the measure will appear on the ballot.

(2) The director shall ensure that the impartial analysis:

(a) is not more than 1,000 words long;

(b) is prepared in clear and concise language that will easily be understood by the average voter;

(c) avoids the use of technical terms as much as possible;

(d) shows the effect of the measure on existing law;

(e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;

(f) fairly describes the operation of the measure;

(g) identifies the measure's fiscal effects for the first full year of implementation and the first year when the last provisions to be implemented are fully effective; and

(h) identifies the amount of any increase or decrease in revenue or cost to state or local government.

(3) The director shall analyze the measure as it is proposed to be adopted without considering any implementing legislation, unless the implementing legislation has been enacted and will become effective upon the adoption of the measure by the voters.

(4) (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.

(b) The director shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.

(5) If the director requests the assistance of any state department, agency, or official in preparing his analysis, that department, agency, or official shall assist the director.

Section 17. Section **20A-7-705** is amended to read:



**20A-7-705. Measures to be submitted to voters and referendum measures --****Preparation of argument of adoption.**

(1) (a) Whenever the Legislature submits any measure to the voters or whenever an act of the Legislature is referred to the voters by referendum petition, the presiding officer of the house of origin of the measure shall appoint the sponsor of the measure or act and one member of either house who voted with the majority to pass the act or submit the measure to draft an argument for the adoption of the measure.

(b) (i) The argument may not exceed 500 words in length.

(ii) If the sponsor of the measure or act desires separate arguments to be written in favor by each person appointed, separate arguments may be written but the combined length of the two arguments may not exceed 500 words.

(2) (a) If a measure or act submitted to the voters by the Legislature or by referendum petition was not adopted unanimously by the Legislature, the presiding officer of each house shall, at the same time as appointments to an argument in its favor are made, appoint one member who voted against the measure or act from their house to write an argument against the measure or act.

(b) (i) The argument may not exceed 500 words.

(ii) If those members appointed to write an argument against the measure or act desire separate arguments to be written in opposition to the measure or act by each person appointed, separate arguments may be written, but the combined length of the two arguments may not exceed 500 words.

(3) (a) The legislators appointed by the presiding officer of the Senate or House of Representatives to submit arguments shall submit them to the lieutenant governor not later than ~~[June 1]~~ the day that falls 150 days before the date of the election.

(b) Except as provided in Subsection (3)(d), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.

(c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.

(d) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:

(i) they jointly agree that changes to the argument must be made to correct spelling or

776 grammatical errors; and

777 (ii) the argument has not yet been submitted for typesetting.

778 (4) (a) If an argument for or an argument against a measure submitted to the voters by  
779 the Legislature or by referendum petition has not been filed by a member of the Legislature  
780 within the time required by this section, any voter may request the presiding officer of the  
781 house in which the measure originated for permission to prepare and file an argument for the  
782 side on which no argument has been prepared by a member of the Legislature.

783 (b) (i) The presiding officer of the house of origin shall grant permission unless two or  
784 more voters request permission to submit arguments on the same side of a measure.

785 (ii) If two or more voters request permission to submit arguments on the same side of a  
786 measure, the presiding officer shall designate one of the voters to write the argument.

787 (c) Any argument prepared under this subsection shall be submitted to the lieutenant  
788 governor not later than ~~[June 15]~~ the day that falls 135 days before the date of the election.

789 (d) The lieutenant governor may not accept a ballot argument submitted under this  
790 section unless it is accompanied by:

791 (i) the name and address of the person submitting it, if it is submitted by an individual  
792 voter; or

793 (ii) the name and address of the organization and the names and addresses of at least  
794 two of its principal officers, if it is submitted on behalf of an organization.

795 (e) Except as provided in Subsection (4)(g), the authors may not amend or change the  
796 arguments after they are submitted to the lieutenant governor.

797 (f) Except as provided in Subsection (4)(g), the lieutenant governor may not alter the  
798 arguments in any way.

799 (g) The lieutenant governor and the authors of an argument may jointly modify an  
800 argument after it is submitted if:

801 (i) they jointly agree that changes to the argument must be made to correct spelling or  
802 grammatical errors; and

803 (ii) the argument has not yet been submitted for typesetting.

804 Section 18. Section **20A-7-706** is amended to read:

805 **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal**  
806 **arguments.**

(1) When the lieutenant governor has received the arguments for and against a measure to be submitted to the voters, the lieutenant governor shall immediately send copies of the arguments in favor of the measure to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor.

(2) The authors may prepare and submit rebuttal arguments not exceeding 250 words.

(3) (a) The rebuttal arguments must be filed with the lieutenant governor:

(i) for constitutional amendments and referendum petitions, not later than ~~June 30~~ the day that falls 120 days before the date of the election; and

(ii) for initiatives, not later than August 30.

(b) Except as provided in Subsection (3)(d), the authors may not amend or change the rebuttal arguments after they are submitted to the lieutenant governor.

(c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.

(d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a rebuttal argument after it is submitted if:

(i) they jointly agree that changes to the rebuttal argument must be made to correct spelling or grammatical errors; and

(ii) the rebuttal argument has not yet been submitted for typesetting.

(4) The lieutenant governor shall ensure that:

(a) rebuttal arguments are printed in the same manner as the direct arguments; and

(b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut.

Section 19. Section **20A-9-201** is amended to read:

**20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form requirements.**

(1) Before filing a declaration of candidacy for election to any office, a person shall:

(a) be a United States citizen; and

(b) meet the legal requirements of that office.

(2) (a) Except as provided in Subsection (2)(b), a person may not:

(i) file a declaration of candidacy for, or be a candidate for, more than one office in

838 Utah during any election year; or

839 (ii) appear on the ballot as the candidate of more than one political party.

840 (b) A person may file a declaration of candidacy for, or be a candidate for, President or  
841 Vice President of the United States and another office, if the person resigns the person's  
842 candidacy for the other office after the person is officially nominated for President or Vice  
843 President of the United States.

844 ~~[(3) If the final date established for filing a declaration of candidacy is a Saturday or~~  
845 ~~Sunday, the filing time shall be extended until 5 p.m. on the following business day.]~~

846 ~~[(4)]~~ (3) (a) (i) Except for presidential candidates, before the filing officer may accept  
847 any declaration of candidacy, the filing officer shall:

848 (A) read to the prospective candidate the constitutional and statutory qualification  
849 requirements for the office that the candidate is seeking; and

850 (B) require the candidate to state whether or not the candidate meets those  
851 requirements.

852 (ii) Before accepting a declaration of candidacy for the office of county attorney, the  
853 county clerk shall ensure that the person filing that declaration of candidacy is:

854 (A) a United States citizen;

855 (B) an attorney licensed to practice law in Utah who is an active member in good  
856 standing of the Utah State Bar;

857 (C) a registered voter in the county in which he is seeking office; and

858 (D) a current resident of the county in which he is seeking office and either has been a  
859 resident of that county for at least one year or was appointed and is currently serving as county  
860 attorney and became a resident of the county within 30 days after appointment to the office.

861 (iii) Before accepting a declaration of candidacy for the office of district attorney, the  
862 county clerk shall ensure that, as of the date of the election, the person filing that declaration of  
863 candidacy is:

864 (A) a United States citizen;

865 (B) an attorney licensed to practice law in Utah who is an active member in good  
866 standing of the Utah State Bar;

867 (C) a registered voter in the prosecution district in which he is seeking office; and

868 (D) a current resident of the prosecution district in which he is seeking office and either

will have been a resident of that prosecution district for at least one year as of the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.

(iv) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the person filing the declaration of candidacy:

(A) as of the date of filing:

(I) is a United States citizen;

(II) is a registered voter in the county in which the person seeks office;

(III) (Aa) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or

(Bb) has passed a certification examination as provided in Section 53-6-206; and

(IV) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and

(B) as of the date of the election, shall have been a resident of the county in which the person seeks office for at least one year.

(b) If the prospective candidate states that he does not meet the qualification requirements for the office, the filing officer may not accept the prospective candidate's declaration of candidacy.

(c) If the candidate states that he meets the requirements of candidacy, the filing officer shall:

(i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

(ii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);

(iii) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

(A) signing the pledge is voluntary; and

(B) signed pledges shall be filed with the filing officer;

(iv) accept the candidate's declaration of candidacy; and

(v) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member.

(d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(i) accept the candidate's pledge; and

(ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.

~~[(5)]~~ (4) Except for presidential candidates, the form of the declaration of candidacy shall be substantially as follows:

"State of Utah, County of \_\_\_\_

I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of \_\_\_\_ as a candidate for the \_\_\_\_ party. I do solemnly swear that: I can qualify to hold that office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; and I will qualify for the office if elected to it. The mailing address that I designate for receiving official election notices is \_\_\_\_\_.

Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

Notary Public (or other officer qualified to administer oath.)"

~~[(6)]~~ (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy is:

(i) \$25 for candidates for the local school district board; and

(ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office, but not less than \$5, for all other federal, state, and county offices.

(b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:

(i) who is disqualified; or

(ii) who the filing officer determines has filed improperly.

(c) (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.

(ii) The lieutenant governor shall:

(A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and

(B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.

(d) (i) Each person who is unable to pay the filing fee may file a declaration of candidacy without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer.

(ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:

"Affidavit of Impecuniosity

Individual Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

I, \_\_\_\_\_ (name), do solemnly [swear] [affirm] that, owing to my poverty, I am unable to pay the filing fee required by law.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Affiant

Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

\_\_\_\_\_  
(signature)

Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_"

~~(7)~~ (6) Any person who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office.

~~(8)~~ (7) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy.

Section 20. Section **20A-9-202** is amended to read:

**20A-9-202. Declarations of candidacy for regular general elections --****Requirements for candidates.**

(1) (a) Each person seeking to become a candidate for elective office for any county office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with the county clerk on or after March 7 and before 5 p.m. on the March 17 before the next regular general election; and

(ii) pay the filing fee.

(b) Each person intending to become a candidate for any legislative office or multicounty office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with either the lieutenant governor or the county clerk in the candidate's county of residence on or after March 7 and before 5 p.m. on the March 17 before the next regular general election; and

(ii) pay the filing fee.

(c) (i) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one working day after it is filed.

(ii) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of legislative candidates who have filed in their office.

(d) Each person seeking to become a candidate for elective office for any federal office or constitutional office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with the lieutenant governor on or after March 7 and before 5 p.m. on the March 17 before the next regular general election; and

(ii) pay the filing fee.

(e) Each person seeking the office of lieutenant governor, the office of district attorney, or the office of President or Vice President of the United States shall comply with the specific declaration of candidacy requirements established by this section.

(2) (a) Each person intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district on or after March 7 and before 5 p.m. on the March 17 before



the next regular general election; and

(ii) pay the filing fee.

(b) The designated clerk shall provide to the county clerk of each county in the prosecution district a certified copy of each declaration of candidacy filed for the office of district attorney.

(3) (a) Within five working days of nomination, each lieutenant governor candidate shall:

(i) file a declaration of candidacy with the lieutenant governor; and

(ii) pay the filing fee.

(b) (i) Any candidate for lieutenant governor who fails to file within five working days is disqualified.

(ii) If a lieutenant governor is disqualified, another candidate shall be nominated to replace the disqualified candidate.

(4) Each registered political party shall:

(a) certify the names of its candidates for President and Vice President of the United States to the lieutenant governor ~~[by]~~ no later than September [3] 8; or

(b) provide written authorization for the lieutenant governor to accept the certification of candidates for President and Vice President of the United States from the national office of the registered political party.

(5) (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or lieutenant governor within five days after the last day for filing.

(b) If an objection is made, the clerk or lieutenant governor shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after it is filed.

(c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

(d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

(ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable

1024 by a district court if prompt application is made to the court.

1025 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
1026 of its discretion, agrees to review the lower court decision.

1027 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by  
1028 filing a written affidavit with the clerk.

1029 Section 21. Section **20A-9-203** is amended to read:

1030 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1031 (1) (a) A person may become a candidate for any municipal office if the person is a  
1032 registered voter and:

1033 (i) the person has resided within the municipality in which that person seeks to hold  
1034 elective office for the 12 consecutive months immediately before the date of the election; or

1035 (ii) if the territory in which the person resides was annexed into the municipality, the  
1036 person has resided within the annexed territory or the municipality for 12 months.

1037 (b) In addition to the requirements of Subsection (1)(a), candidates for a municipal  
1038 council position under the council-mayor or council-manager alternative forms of municipal  
1039 government shall, if elected from districts, be residents of the council district from which they  
1040 are elected.

1041 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally  
1042 incompetent person, any person convicted of a felony, or any person convicted of treason or a  
1043 crime against the elective franchise may not hold office in this state until the right to hold  
1044 elective office is restored under Section 20A-2-101.5.

1045 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to  
1046 become a candidate for a municipal office shall:

1047 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during  
1048 office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered year;  
1049 and

1050 (ii) pay the filing fee, if one is required by municipal ordinance.

1051 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of  
1052 persons registered to vote in the municipality on the January 1 of the municipal election year.

1053 (ii) A third, fourth, or fifth class city that used the convention system to nominate  
1054 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the

process contained in this Subsection (2)(b) in the last municipal election or a town that used the convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election may, by ordinance, require, in lieu of the convention system, that candidates for municipal office file a nominating petition signed by a percentage of registered voters at the same time that the candidate files a declaration of candidacy.

(iii) The ordinance shall specify the number of signatures that the candidate must obtain on the nominating petition in order to become a candidate for municipal office under this Subsection (2), but that number may not exceed 5% of registered voters.

(c) Any resident of a municipality may nominate a candidate for a municipal office by:

(i) filing a nomination petition with the city recorder or town clerk during office hours, but not later than 5 p.m., between July 1 and July 15 of any odd-numbered year; and

(ii) paying the filing fee, if one is required by municipal ordinance.

~~[(d) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5 p.m. on the following regular business day.]~~

(3) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:

(i) read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(ii) require the candidate or person filing the petition to state whether or not the candidate meets those requirements.

(b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.

(c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:

(i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

(ii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);

(iii) provide the candidate with a copy of the pledge of fair campaign practices

1086 described under Section 20A-9-206 and inform the candidate that:

1087 (A) signing the pledge is voluntary; and

1088 (B) signed pledges shall be filed with the filing officer; and

1089 (iv) accept the declaration of candidacy or nomination petition.

1090 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
1091 officer shall:

1092 (i) accept the candidate's pledge; and

1093 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
1094 candidate's pledge to the chair of the county or state political party of which the candidate is a  
1095 member.

1096 (4) The declaration of candidacy shall substantially comply with the following form:

1097 "I, (print name) \_\_\_\_, being first sworn, say that I reside at \_\_\_\_ Street, City of \_\_\_\_,  
1098 County of \_\_\_\_, state of Utah, Zip Code \_\_\_\_, Telephone Number (if any) \_\_\_\_; that I am a  
1099 registered voter; and that I am a candidate for the office of \_\_\_\_ (stating the term). I request  
1100 that my name be printed upon the applicable official ballots. (Signed) \_\_\_\_\_

1101 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
1102 \_\_\_\_\_(month\day\year).

1103 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)"

1104 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that  
1105 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not  
1106 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated  
1107 for municipal office by submitting a petition signed by:

1108 (i) 25 residents of the municipality who are at least 18 years old; or

1109 (ii) 20% of the residents of the municipality who are at least 18 years old.

1110 (b) (i) The petition shall substantially conform to the following form:

1111 "NOMINATION PETITION

1112 The undersigned residents of (name of municipality) being 18 years old or older  
1113 nominate (name of nominee) to the office of \_\_\_\_ for the (two or four-year term, whichever is  
1114 applicable)."

1115 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
1116 persons signing the petition and their addresses and telephone numbers.

(6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated for municipal office by submitting a petition signed by the same percentage of registered voters in the municipality as required by the ordinance passed under authority of Subsection (2)(b).

(b) (i) The petition shall substantially conform to the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of (name of office) for the (two or four-year term, whichever is applicable)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

(7) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two or four-year term, the clerk shall consider the nomination to be for the four-year term.

(8) (a) The clerk shall verify with the county clerk that all candidates are registered voters.

(b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.

(9) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:

(a) cause the names of the candidates as they will appear on the ballot to be published in at least two successive publications of a newspaper with general circulation in the municipality; and

(b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

(10) A declaration of candidacy or nomination petition filed under this section may not be amended after the expiration of the period for filing a declaration of candidacy.

(11) (a) A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the clerk within five days after the last day for filing.

- 1148 (b) If an objection is made, the clerk shall:
- 1149 (i) mail or personally deliver notice of the objection to the affected candidate
- 1150 immediately; and
- 1151 (ii) decide any objection within 48 hours after it is filed.
- 1152 (c) If the clerk sustains the objection, the candidate may correct the problem by
- 1153 amending the declaration or petition within three days after the objection is sustained or by
- 1154 filing a new declaration within three days after the objection is sustained.
- 1155 (d) (i) The clerk's decision upon objections to form is final.
- 1156 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
- 1157 prompt application is made to the district court.
- 1158 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
- 1159 of its discretion, agrees to review the lower court decision.
- 1160 (12) Any person who filed a declaration of candidacy and was nominated, and any
- 1161 person who was nominated by a nomination petition, may, any time up to 23 days before the
- 1162 election, withdraw the nomination by filing a written affidavit with the clerk.
- 1163 Section 22. Section **20A-9-403** is amended to read:
- 1164 **20A-9-403. Regular primary elections.**
- 1165 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular
- 1166 primary election day.
- 1167 (b) Each registered political party that chooses to use the primary election process to
- 1168 nominate some or all of its candidates shall comply with the requirements of this section.
- 1169 (2) (a) As a condition for using the state's election system, each registered political
- 1170 party that wishes to participate in the primary election shall:
- 1171 (i) declare their intent to participate in the primary election;
- 1172 (ii) identify one or more registered political parties whose members may vote for the
- 1173 registered political party's candidates and whether or not persons identified as unaffiliated with
- 1174 a political party may vote for the registered political party's candidates; and
- 1175 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1
- 1176 of each even-numbered year[, except that when March 1 is a Saturday or Sunday, the
- 1177 certification deadline shall be extended until 5 p.m. on the following regular business day].
- 1178 (b) As a condition for using the state's election system, each registered political party

1179 that wishes to participate in the primary election shall:

1180 (i) certify the name and office of all of the registered political party's candidates to the  
1181 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year~~[, except that~~  
1182 ~~when May 13 is a Saturday or Sunday, the certification deadline shall be extended until 5 p.m.~~  
1183 ~~on the following regular business day]; and~~

1184 (ii) certify the name and office of each of its county candidates to the county clerks by  
1185 5 p.m. on May 13 of each even-numbered year~~[, except that when May 13 is a Saturday or~~  
1186 ~~Sunday, the certification deadline shall be extended until 5 p.m. on the following regular~~  
1187 ~~business day].~~

1188 (c) By 5 p.m. on May 16 of each even-numbered year, ~~[or by 5 p.m. on the following~~  
1189 ~~regular business day if May 16 is a Saturday or Sunday,]~~ the lieutenant governor shall send the  
1190 county clerks a certified list of the names of all statewide or multicounty candidates that must  
1191 be printed on the primary ballot.

1192 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does  
1193 not wish to participate in the primary election, it shall submit the names of its county  
1194 candidates to the county clerks and the names of all of its candidates to the lieutenant governor  
1195 by 5 p.m. on May 30 of each even-numbered year~~[, except that when May 30 is a Saturday or~~  
1196 ~~Sunday, the submission deadline shall be extended until 5 p.m. on the following regular~~  
1197 ~~business day].~~

1198 (ii) A registered political party's candidates for President and Vice-President of the  
1199 United States shall be certified to the lieutenant governor as provided in Subsection  
1200 20A-9-202(4).

1201 (e) Each political party shall certify the names of its presidential and vice-presidential  
1202 candidates and presidential electors to the lieutenant governor's office ~~[by]~~ no later than  
1203 September ~~[3]~~ 8 of each presidential election year~~[, or by the following regular business day if~~  
1204 ~~September 3 is a Saturday or Sunday].~~

1205 (3) The county clerk shall:

1206 (a) review the declarations of candidacy filed by candidates for local boards of  
1207 education to determine if more than two candidates have filed for the same seat;

1208 (b) place the names of all candidates who have filed a declaration of candidacy for a  
1209 local board of education seat on the nonpartisan section of the ballot if more than two

1210 candidates have filed for the same seat; and

1211 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

1212 (4) After the county clerk receives the certified list from a registered political party, the  
1213 county clerk shall post or publish a primary election notice in substantially the following form:

1214 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
1215 \_\_\_\_ (year), to nominate party candidates for the parties and nonpartisan offices listed on  
1216 the primary ballot. The polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7  
1217 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

1218 (5) (a) Candidates receiving the highest number of votes cast for each office at the  
1219 regular primary election are nominated by their party or nonpartisan group for that office.

1220 (b) If two or more candidates are to be elected to the office at the regular general  
1221 election, those party candidates equal in number to positions to be filled who receive the  
1222 highest number of votes at the regular primary election are the nominees of their party for those  
1223 positions.

1224 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
1225 office that represents more than one county, the governor, lieutenant governor, and attorney  
1226 general shall, at a public meeting called by the governor and in the presence of the candidates  
1227 involved, select the nominee by lot cast in whatever manner the governor determines.

1228 (b) When a tie vote occurs in any primary election for any county office, the district  
1229 court judges of the district in which the county is located shall, at a public meeting called by  
1230 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
1231 whatever manner the judges determine.

1232 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
1233 primary election provided for by this section, and all expenses necessarily incurred in the  
1234 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
1235 county or state, in the same manner as for the regular general elections.

1236 Section 23. Section **20A-9-601** is amended to read:

1237 **20A-9-601. Qualifying as a write-in candidate.**

1238 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration  
1239 of candidacy with the appropriate filing officer not later than 30 days before the regular general  
1240 election or municipal general election in which the person intends to be a write-in candidate.



1241 ~~[(b) If the filing deadline falls on a weekend or holiday, it shall be extended to the next~~  
1242 ~~regular business day.]~~

1243 ~~[(c)]~~ (b) (i) The filing officer shall:

1244 (A) read to the candidate the constitutional and statutory requirements for the office;  
1245 and

1246 (B) ask the candidate whether or not the candidate meets the requirements.

1247 (ii) If the candidate cannot meet the requirements of office, the filing officer may not  
1248 accept the write-in candidate's declaration of candidacy.

1249 (2) A write-in candidate in towns need not prequalify with the filing officer.

1250 (3) By November 1 of each regular general election year, the lieutenant governor shall  
1251 certify to each county clerk the names of all write-in candidates who filed their declaration of  
1252 candidacy with the lieutenant governor.

1253 Section 24. Section **20A-9-701** is amended to read:

1254 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1255 (1) [By] No later than September [±] 8 of each regular general election year, the  
1256 lieutenant governor shall certify to each county clerk the names of each candidate, including  
1257 candidates for president and vice president, certified by each registered political party as that  
1258 party's nominees for offices to be voted upon at the regular general election in that county  
1259 clerk's county.

1260 (2) The names shall be certified by the lieutenant governor and shall be displayed on  
1261 the ballot as they are provided on the candidate's declaration of candidacy.

1262 Section 25. Section **20A-9-802** is amended to read:

1263 **20A-9-802. Western States Presidential Primary established -- Other ballot issues**  
1264 **prohibited.**

1265 (1) (a) Contingent upon legislative appropriation, there is established a Western States  
1266 Presidential Primary election to be held on the first Tuesday in February in the year in which a  
1267 presidential election will be held.

1268 (b) Except as otherwise specifically provided in this chapter, county clerks shall  
1269 administer the Western States Presidential Primary according to the provisions of Title 20A,  
1270 Election Code, including:

1271 (i) Title 20A, Chapter 1, General Provisions;

1272 (ii) Title 20A, Chapter 2, Voter Registration;  
 1273 (iii) Title 20A, Chapter 3, Voting;  
 1274 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;  
 1275 (v) Title 20A, Chapter 5, Election Administration; and  
 1276 (vi) Title 20A, Chapter 6, Ballot Form.

1277 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western  
 1278 States Presidential Primary contains only the names of candidates for President of the United  
 1279 States who have qualified as provided in this part.

1280 (ii) The county clerks may not present any other items to the voters to be voted upon at  
 1281 this election.

1282 (2) Registered political parties, and candidates for President of the United States who  
 1283 are affiliated with a registered political party, may participate in the Western States Presidential  
 1284 Primary established by this part.

1285 (3) As a condition for using the state's election system, each registered political party  
 1286 wishing to participate in Utah's Western States Presidential Primary shall:

1287 (a) declare their intent to participate in the Western States Presidential Primary;  
 1288 (b) identify one or more registered political parties whose members may vote for the  
 1289 registered political party's candidates and whether or not persons identified as unaffiliated with  
 1290 a political party may vote for the registered political party's candidates; and  
 1291 (c) certify that information to the lieutenant governor no later than 5 p.m. on the June  
 1292 30 of the year before the year in which the presidential primary will be held~~[-or the following~~  
 1293 ~~business day if June 30 falls on a Saturday, Sunday, or holiday]~~.

1294 Section 26. Section **20A-9-803** is amended to read:

1295 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

1296 (1) ~~[(a)]~~ Candidates for President of the United States who are affiliated with a  
 1297 registered political party in Utah that has elected to participate in Utah's Western States  
 1298 Presidential Primary and who wish to participate in the primary shall:

1299 ~~[(a)]~~ (a) except as provided in Subsection (1)(b), file a declaration of candidacy, in  
 1300 person or via a designated agent, with the lieutenant governor between July 1 of the year before  
 1301 the primary election will be held and 5 p.m. on October 15 of the year before the primary  
 1302 election will be held;

1303           ~~[(ii)]~~ (b) identify the registered political party whose nomination the candidate is  
1304 seeking;

1305           ~~[(iii)]~~ (c) provide a letter from the registered political party certifying that the candidate  
1306 may participate as a candidate for that party in that party's presidential primary election; and

1307           ~~[(iv)]~~ (d) pay the filing fee of \$500.

1308           ~~[(b) If October 15 falls on a Saturday, Sunday, or holiday, the filing time shall be~~  
1309 ~~extended until 5 p.m. on the following business day.]~~

1310           (2) The lieutenant governor shall develop a declaration of candidacy form for  
1311 presidential candidates participating in the primary.

1312           Section 27. Section **20A-11-101** is amended to read:

1313           **20A-11-101. Definitions.**

1314           As used in this chapter:

1315           (1) "Address" means the number and street where an individual resides or where a  
1316 reporting entity has its principal office.

1317           (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
1318 amendments, and any other ballot propositions submitted to the voters that are authorized by  
1319 the Utah Code Annotated 1953.

1320           (3) "Candidate" means any person who:

1321           (a) files a declaration of candidacy for a public office; or

1322           (b) receives contributions, makes expenditures, or gives consent for any other person to  
1323 receive contributions or make expenditures to bring about the person's nomination or election  
1324 to a public office.

1325           (4) (a) "Candidate-related media owner" means each candidate and each member of  
1326 any personal campaign or party committee who owns, either in the person's own name or in the  
1327 name of any other person or entity, any financial interest in one of the following media outlets:

1328           (i) a newspaper or other printed periodical circulated in Utah;

1329           (ii) a television, cable, satellite, or other station that provides news programming that is  
1330 broadcasted or received in Utah; or

1331           (iii) an Internet site or service that provides news information in association with an  
1332 entity described in Subsection (4)(a)(i) or (4)(a)(ii) above.

1333           (b) "Candidate-related media owner" does not mean a candidate or a member of any

1334 personal campaign or party committee who owns or operates:

1335 (i) a newspaper or other printed periodical that provides information primarily in  
1336 relation to a person's political candidacy or office, such as a campaign or constituent  
1337 newsletter; or

1338 (ii) a personal website, a blog, or other Internet-based information service that provides  
1339 information primarily in relation to a person's political candidacy or political office.

1340 ~~[(4)]~~ (5) "Chief election officer" means:

1341 (a) the lieutenant governor for state office candidates, legislative office candidates,  
1342 officeholders, political parties, political action committees, corporations, political issues  
1343 committees, and state school board candidates; and

1344 (b) the county clerk for local school board candidates.

1345 ~~[(5)]~~ (6) "Continuing political party" means an organization of voters that participated  
1346 in the last regular general election and polled a total vote equal to 2% or more of the total votes  
1347 cast for all candidates for the United States House of Representatives.

1348 ~~[(6)]~~ (7) (a) "Contribution" means any of the following when done for political  
1349 purposes:

1350 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
1351 value given to the filing entity;

1352 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
1353 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
1354 anything of value to the filing entity;

1355 (iii) any transfer of funds from another reporting entity or a corporation to the filing  
1356 entity;

1357 (iv) compensation paid by any person or reporting entity other than the filing entity for  
1358 personal services provided without charge to the filing entity;

1359 (v) remuneration from any organization or its directly affiliated organization that has a  
1360 registered lobbyist to compensate a legislator for a loss of salary or income while the  
1361 Legislature is in session;

1362 (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of  
1363 the state, including school districts, for the period the Legislature is in session; and

1364 (vii) goods or services provided to or for the benefit of the filing entity at less than fair

1365 market value.

1366 (b) "Contribution" does not include:

1367 (i) services provided without compensation by individuals volunteering a portion or all  
1368 of their time on behalf of the filing entity; or

1369 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
1370 business.

1371 ~~[(7)]~~ (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
1372 organization that is registered as a corporation or is authorized to do business in a state and  
1373 makes any expenditure from corporate funds for:

1374 (i) political purposes; or

1375 (ii) the purpose of influencing the approval or the defeat of any ballot proposition.

1376 (b) "Corporation" does not mean:

1377 (i) a business organization's political action committee or political issues committee; or

1378 (ii) a business entity organized as a partnership or a sole proprietorship.

1379 ~~[(8)]~~ (9) "Detailed listing" means:

1380 (a) for each contribution or public service assistance:

1381 (i) the name and address of the individual or source making the contribution or public  
1382 service assistance;

1383 (ii) the amount or value of the contribution or public service assistance; and

1384 (iii) the date the contribution or public service assistance was made; and

1385 (b) for each expenditure:

1386 (i) the amount of the expenditure;

1387 (ii) the person or entity to whom it was disbursed;

1388 (iii) the specific purpose, item, or service acquired by the expenditure; and

1389 (iv) the date the expenditure was made.

1390 ~~[(9)]~~ (10) "Election" means each:

1391 (a) regular general election;

1392 (b) regular primary election; and

1393 (c) special election at which candidates are eliminated and selected.

1394 ~~[(10)]~~ (11) (a) "Expenditure" means:

1395 (i) any disbursement from contributions, receipts, or from the separate bank account

1396 required by this chapter;

1397 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

1398 or anything of value made for political purposes;

1399 (iii) an express, legally enforceable contract, promise, or agreement to make any

1400 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of

1401 value for political purposes;

1402 (iv) compensation paid by a corporation or filing entity for personal services rendered

1403 by a person without charge to a reporting entity;

1404 (v) a transfer of funds between the filing entity and a candidate's personal campaign

1405 committee; or

1406 (vi) goods or services provided by the filing entity to or for the benefit of another

1407 reporting entity for political purposes at less than fair market value.

1408 (b) "Expenditure" does not include:

1409 (i) services provided without compensation by individuals volunteering a portion or all

1410 of their time on behalf of a reporting entity;

1411 (ii) money lent to a reporting entity by a financial institution in the ordinary course of

1412 business; or

1413 (iii) anything listed in Subsection (10)(a) that is given by a corporation or reporting

1414 entity to candidates for office or officeholders in states other than Utah.

1415 ~~[(11)]~~ (12) "Filing entity" means the reporting entity that is filing a report required by

1416 this chapter.

1417 ~~[(12)]~~ (13) "Financial statement" includes any summary report, interim report, or other

1418 statement disclosing contributions, expenditures, receipts, donations, or disbursements that is

1419 required by this chapter.

1420 ~~[(13)]~~ (14) "Governing board" means the individual or group of individuals that

1421 determine the candidates and committees that will receive expenditures from a political action

1422 committee.

1423 ~~[(14)]~~ (15) "Incorporation" means the process established by Title 10, Chapter 2, Part

1424 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

1425 ~~[(15)]~~ (16) "Incorporation election" means the election authorized by Section 10-2-111.

1426 ~~[(16)]~~ (17) "Incorporation petition" means a petition authorized by Section 10-2-109.

1427           ~~[(17)]~~ (18) "Individual" means a natural person.

1428           ~~[(18)]~~ (19) "Interim report" means a report identifying the contributions received and  
1429 expenditures made since the last report.

1430           ~~[(19)]~~ (20) "Legislative office" means the office of state senator, state representative,  
1431 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
1432 assistant whip of any party caucus in either house of the Legislature.

1433           ~~[(20)]~~ (21) "Legislative office candidate" means a person who:

1434           (a) files a declaration of candidacy for the office of state senator or state representative;

1435           (b) declares himself to be a candidate for, or actively campaigns for, the position of  
1436 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
1437 assistant whip of any party caucus in either house of the Legislature; and

1438           (c) receives contributions, makes expenditures, or gives consent for any other person to  
1439 receive contributions or make expenditures to bring about the person's nomination or election  
1440 to a legislative office.

1441           ~~[(21)]~~ (22) "Newly registered political party" means an organization of voters that has  
1442 complied with the petition and organizing procedures of this chapter to become a registered  
1443 political party.

1444           ~~[(22)]~~ (23) "Officeholder" means a person who holds a public office.

1445           ~~[(23)]~~ (24) "Party committee" means any committee organized by or authorized by the  
1446 governing board of a registered political party.

1447           ~~[(24)]~~ (25) "Person" means both natural and legal persons, including individuals,  
1448 business organizations, personal campaign committees, party committees, political action  
1449 committees, political issues committees, labor unions, and labor organizations.

1450           ~~[(25)]~~ (26) "Personal campaign committee" means the committee appointed by a  
1451 candidate to act for the candidate as provided in this chapter.

1452           ~~[(26)]~~ (27) (a) "Political action committee" means an entity, or any group of  
1453 individuals or entities within or outside this state, that solicits or receives contributions from  
1454 any other person, group, or entity or makes expenditures for political purposes. A group or  
1455 entity may not divide or separate into units, sections, or smaller groups for the purpose of  
1456 avoiding the financial reporting requirements of this chapter, and substance shall prevail over  
1457 form in determining the scope or size of a political action committee.

1458 (b) "Political action committee" includes groups affiliated with a registered political  
1459 party but not authorized or organized by the governing board of the registered political party  
1460 that receive contributions or makes expenditures for political purposes.

1461 (c) "Political action committee" does not mean:

1462 (i) a party committee;

1463 (ii) any entity that provides goods or services to a candidate or committee in the regular  
1464 course of its business at the same price that would be provided to the general public;

1465 (iii) an individual;

1466 (iv) individuals who are related and who make contributions from a joint checking  
1467 account;

1468 (v) a corporation; or

1469 (vi) a personal campaign committee.

1470 ~~[(27)]~~ (28) "Political convention" means a county or state political convention held by  
1471 a registered political party to select candidates.

1472 ~~[(28)]~~ (29) (a) "Political issues committee" means an entity, or any group of individuals  
1473 or entities within or outside this state, that solicits or receives donations from any other person,  
1474 group, or entity or makes disbursements to influence, or to intend to influence, directly or  
1475 indirectly, any person to:

1476 (i) assist in placing a statewide ballot proposition on the ballot, assist in keeping a  
1477 statewide ballot proposition off the ballot, or refrain from voting or vote for or vote against any  
1478 statewide ballot proposition; or

1479 (ii) sign or refuse to sign an incorporation petition or refrain from voting, vote for, or  
1480 vote against any proposed incorporation in an incorporation election.

1481 (b) "Political issues committee" does not mean:

1482 (i) a registered political party or a party committee;

1483 (ii) any entity that provides goods or services to an individual or committee in the  
1484 regular course of its business at the same price that would be provided to the general public;

1485 (iii) an individual;

1486 (iv) individuals who are related and who make contributions from a joint checking  
1487 account; or

1488 (v) a corporation, except a corporation whose apparent purpose is to act as a political



1489 issues committee.

1490 [~~(29)~~] (30) (a) "Political issues contribution" means any of the following:

1491 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
1492 anything of value given to a political issues committee;

1493 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
1494 issues donation to influence the approval or defeat of any ballot proposition;

1495 (iii) any transfer of funds received by a political issues committee from a reporting  
1496 entity;

1497 (iv) compensation paid by another reporting entity for personal services rendered  
1498 without charge to a political issues committee; and

1499 (v) goods or services provided to or for the benefit of a political issues committee at  
1500 less than fair market value.

1501 (b) "Political issues contribution" does not include:

1502 (i) services provided without compensation by individuals volunteering a portion or all  
1503 of their time on behalf of a political issues committee; or

1504 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1505 course of business.

1506 [~~(30)~~] (31) (a) "Political issues expenditure" means any of the following:

1507 (i) any payment from political issues contributions made for the purpose of influencing  
1508 the approval or the defeat of a statewide ballot proposition;

1509 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
1510 the purpose of influencing the approval or the defeat of a statewide ballot proposition;

1511 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1512 political issues expenditure;

1513 (iv) compensation paid by a reporting entity for personal services rendered by a person  
1514 without charge to a political issues committee; or

1515 (v) goods or services provided to or for the benefit of another reporting entity at less  
1516 than fair market value.

1517 (b) "Political issues expenditure" does not include:

1518 (i) services provided without compensation by individuals volunteering a portion or all  
1519 of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

~~[(31)]~~ (32) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

~~[(32)]~~ (33) "Primary election" means any regular primary election held under the election laws.

~~[(33)]~~ (34) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state or local school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

~~[(34)]~~ (35) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

(i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or

(ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.

(b) "Public service assistance" does not include:

(i) anything provided by the state;

(ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

(iii) money lent to an officeholder by a financial institution in the ordinary course of business;

(iv) news coverage or any publication by the news media; or

(v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

~~[(35)]~~ (36) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political

1551 action committee or political issues committee and whose names can be obtained by contacting  
1552 the political action committee or political issues committee upon whose financial report they  
1553 are listed.

1554 ~~[(36)]~~ (37) "Receipts" means contributions and public service assistance.

1555 ~~[(37)]~~ (38) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
1556 Lobbyist Disclosure and Regulation Act.

1557 ~~[(38)]~~ (39) "Registered political action committee" means any political action  
1558 committee that is required by this chapter to file a statement of organization with the lieutenant  
1559 governor's office.

1560 ~~[(39)]~~ (40) "Registered political issues committee" means any political issues  
1561 committee that is required by this chapter to file a statement of organization with the lieutenant  
1562 governor's office.

1563 ~~[(40)]~~ (41) "Registered political party" means an organization of voters that:

1564 (a) participated in the last regular general election and polled a total vote equal to 2%  
1565 or more of the total votes cast for all candidates for the United States House of Representatives  
1566 for any of its candidates for any office; or

1567 (b) has complied with the petition and organizing procedures of this chapter.

1568 ~~[(41)]~~ (42) "Report" means a verified financial statement.

1569 ~~[(42)]~~ (43) "Reporting entity" means a candidate, a candidate's personal campaign  
1570 committee, an officeholder, and a party committee, a political action committee, and a political  
1571 issues committee.

1572 ~~[(43)]~~ (44) "School board office" means the office of state school board or local school  
1573 board.

1574 ~~[(44)]~~ (45) (a) "Source" means the person or entity that is the legal owner of the  
1575 tangible or intangible asset that comprises the contribution.

1576 (b) "Source" means, for political action committees and corporations, the political  
1577 action committee and the corporation as entities, not the contributors to the political action  
1578 committee or the owners or shareholders of the corporation.

1579 ~~[(45)]~~ (46) "State office" means the offices of governor, lieutenant governor, attorney  
1580 general, state auditor, and state treasurer.

1581 ~~[(46)]~~ (47) "State office candidate" means a person who:

(a) files a declaration of candidacy for a state office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a state office.

~~[(47)]~~ (48) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

~~[(48)]~~ (49) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 28. Section **20A-11-102** is amended to read:

**20A-11-102. Candidates and committee members to file statement of ownership of publication.**

(1) Before ~~[any newspaper or periodical wholly or partially]~~ a media outlet that is owned by a candidate-related media owner as defined in Section 20A-11-101 may print any matter that is intended or tends to influence, directly or indirectly, any voting at any election, the candidate-related media owner shall file a verified statement in the office of the county clerk of the county in which ~~[he]~~ the candidate related media owner resides.

(2) The statement shall:

(a) ~~[identify the newspaper or periodical]~~ identify the media outlet in which or over which the candidate-related media owner has financial interest or control; and

(b) the exact nature and extent of the interest or control.

(3) (a) It is unlawful for an editor, manager, or other person controlling the publication of ~~[any newspaper or other periodical circulating in Utah that is wholly or partially]~~ a media outlet that is owned by a candidate-related media owner to print or cause to be printed any matter that is intended or tends to influence, directly or indirectly, any voting at any election unless the candidate-related media owner has filed the statement required by this section.

(b) Any editor, manager, or other person who violates this Subsection (3) is guilty of a class B misdemeanor.

Section 29. Section **20A-11-203** is amended to read:

**20A-11-203. State office candidate -- Financial reporting requirements --  
Year-end summary report.**

(1) Each state office candidate shall file a summary report by January 5 of the year after

1613 the regular general election year.

1614 (2) (a) Each summary report shall include the following information as of December 31  
1615 of the last regular general election year:

1616 (i) the net balance of the last summary report, if any;

1617 (ii) a single figure equal to the total amount of receipts reported on all interim reports,  
1618 if any, during the last regular general election year;

1619 (iii) a single figure equal to the total amount of expenditures reported on all interim  
1620 reports, if any, filed during the last regular general election year;

1621 (iv) a detailed listing of each contribution and public service assistance received since  
1622 the last summary report that has not been reported in detail on an interim report;

1623 (v) for each nonmonetary contribution, the fair market value of the contribution;

1624 (vi) a detailed listing of each expenditure made since the last summary report that has  
1625 not been reported in detail on an interim report;

1626 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1627 (viii) a net balance for the year consisting of the net balance from the last summary  
1628 report, if any, plus all receipts minus all expenditures.

1629 (b) (i) For all single contributions or public service assistance of \$50 or less, a single  
1630 aggregate figure may be reported without separate detailed listings.

1631 (ii) Two or more contributions from the same source that have an aggregate total of  
1632 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1633 (c) In preparing the report, all receipts and expenditures shall be reported as of  
1634 December 31 of the last regular general election year.

1635 (3) The summary report shall contain a paragraph signed by an authorized member of  
1636 the state office candidate's personal campaign committee or by the state office candidate  
1637 certifying that, to the best of the signer's knowledge, all receipts and all expenditures have been  
1638 reported as of December 31 of the last regular general election year and that there are no bills  
1639 or obligations outstanding and unpaid except as set forth in that report.

1640 (4) State office candidates reporting under this section need only report receipts  
1641 received and expenditures made after April 29, 1991.

1642 Section 30. Section **20A-11-302** is amended to read:

1643 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**

1644 **Year-end summary report.**

1645 (1) Each legislative office candidate shall file a summary report by January 5 of the  
1646 year after the regular general election year.

1647 (2) (a) Each summary report shall include the following information as of December 31  
1648 of the last regular general election year:

1649 (i) the net balance of the last summary report, if any;

1650 (ii) a single figure equal to the total amount of receipts reported on all interim reports,  
1651 if any, during the ~~[calendar]~~ last regular general election year ~~[in which the summary report is~~  
1652 ~~due]~~;

1653 (iii) a single figure equal to the total amount of expenditures reported on all interim  
1654 reports, if any, filed during the last regular general election year;

1655 (iv) a detailed listing of each receipt, contribution, and public service assistance since  
1656 the last summary report that has not been reported in detail on an interim report;

1657 (v) for each nonmonetary contribution, the fair market value of the contribution;

1658 (vi) a detailed listing of each expenditure made since the last summary report that has  
1659 not been reported in detail on an interim report;

1660 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1661 (viii) a net balance for the year consisting of the net balance from the last summary  
1662 report, if any, plus all receipts minus all expenditures.

1663 (b) (i) For all individual contributions or public service assistance of \$50 or less, a  
1664 single aggregate figure may be reported without separate detailed listings.

1665 (ii) Two or more contributions from the same source that have an aggregate total of  
1666 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1667 (c) In preparing the report, all receipts and expenditures shall be reported as of  
1668 December 31 of the last regular general election year.

1669 (3) The summary report shall contain a paragraph signed by the legislative office  
1670 candidate certifying that to the best of the candidate's knowledge, all receipts and all  
1671 expenditures have been reported as of December 31 of the last regular general election year and  
1672 that there are no bills or obligations outstanding and unpaid except as set forth in that report.

1673 (4) Legislative office candidates reporting under this section need only report receipts  
1674 received and expenditures made after April 29, 1991.

Section 31. Section **20A-11-506** is amended to read:

**20A-11-506. Political party financial reporting requirements -- Year-end summary report.**

(1) Each party committee shall file a summary report by January 5 of the year after the regular general election year.

(2) (a) Each summary report shall include the following information as of December 31 of the regular general election year:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the last regular general election year;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the last regular general election year;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

(b) (i) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the last regular general election year.

(3) The summary report shall contain a paragraph signed by the treasurer of the party committee certifying that, to the best of the treasurer's knowledge, all receipts and all expenditures have been reported as of December 31 of the last regular general election year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Section 32. Section **20A-11-601** is amended to read:

**20A-11-601. Political action committees -- Registration -- Criminal penalty for providing false information or accepting unlawful contribution.**

(1) (a) Each political action committee shall file a statement of organization with the lieutenant governor's office by January 10 of each year, unless the political action committee has filed a notice of dissolution under Subsection (4).

(b) If a political action committee is organized after the January 10 filing date, the political action committee shall file an initial statement of organization no later than seven days after:

(i) receiving contributions totaling at least \$750; or

(ii) distributing expenditures for political purposes totaling at least \$750.

~~[(c) If January 10 falls on a weekend or holiday, the statement of organization shall be filed by the following business day.]~~

(2) Each political action committee shall designate two officers that have primary decision-making authority for the political action committee.

(3) The statement of organization shall include:

(a) the name and address of the political action committee;

(b) the name, street address, phone number, occupation, and title of the two primary officers designated under Subsection (2);

(c) the name, street address, occupation, and title of all other officers of the political action committee;

(d) the name and street address of the organization, individual corporation, association, unit of government, or union that the political action committee represents, if any;

(e) the name and street address of all affiliated or connected organizations and their relationships to the political action committee;

(f) the name, street address, business address, occupation, and phone number of the committee's treasurer or chief financial officer; and

(g) the name, street address, and occupation of each member of the governing and advisory boards, if any.

(4) (a) Any registered political action committee that intends to permanently cease operations shall file a notice of dissolution with the lieutenant governor's office.

(b) Any notice of dissolution filed by a political action committee does not exempt that



1737 political action committee from complying with the financial reporting requirements of this  
1738 chapter.

1739 (5) (a) Unless the political action committee has filed a notice of dissolution under  
1740 Subsection (4), a political action committee shall file, with the lieutenant governor's office,  
1741 notice of any change of an officer described in Subsection (2).

1742 (b) Notice of a change of a primary officer described in Subsection (2) shall:

1743 (i) be filed within ten days of the date of the change; and

1744 (ii) contain the name and title of the officer being replaced, and the name, street  
1745 address, occupation, and title of the new officer.

1746 (6) (a) A person is guilty of providing false information in relation to a political action  
1747 committee if the person intentionally or knowingly gives false or misleading material  
1748 information in the statement of organization or the notice of change of primary officer.

1749 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful  
1750 contribution if the political action committee knowingly or recklessly accepts a contribution  
1751 from a corporation that:

1752 (i) was organized less than 90 days before the date of the general election; and

1753 (ii) at the time the political action committee accepts the contribution, has failed to file  
1754 a statement of organization with the lieutenant governor's office as required by Section  
1755 20A-11-704.

1756 (c) A violation of this Subsection (6) is a third degree felony.

1757 Section 33. Section **20A-11-801** is amended to read:

1758 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**  
1759 **providing false information or accepting unlawful contribution.**

1760 (1) (a) Each political issues committee shall file a statement of organization with the  
1761 lieutenant governor's office by January 10 of each year, unless the political issues committee  
1762 has filed a notice of dissolution under Subsection (4).

1763 (b) If a political issues committee is organized after the January 10 filing date, the  
1764 political issues committee shall file an initial statement of organization no later than seven days  
1765 after:

1766 (i) receiving political issues contributions totaling at least \$750; or

1767 (ii) disbursing political issues expenditures totaling at least \$50.

1768 ~~[(c) If January 10 falls on a weekend or holiday, the statement of organization shall be~~  
1769 ~~filed by the following business day.]~~

1770 (2) Each political issues committee shall designate two officers that have primary  
1771 decision-making authority for the political issues committee.

1772 (3) The statement of organization shall include:

1773 (a) the name and street address of the political issues committee;

1774 (b) the name, street address, phone number, occupation, and title of the two primary  
1775 officers designated under Subsection (2);

1776 (c) the name, street address, occupation, and title of all other officers of the political  
1777 issues committee;

1778 (d) the name and street address of the organization, individual, corporation,  
1779 association, unit of government, or union that the political issues committee represents, if any;

1780 (e) the name and street address of all affiliated or connected organizations and their  
1781 relationships to the political issues committee;

1782 (f) the name, street address, business address, occupation, and phone number of the  
1783 committee's treasurer or chief financial officer;

1784 (g) the name, street address, and occupation of each member of the supervisory and  
1785 advisory boards, if any; and

1786 (h) the ballot proposition whose outcome they wish to affect, and whether they support  
1787 or oppose it.

1788 (4) (a) Any registered political issues committee that intends to permanently cease  
1789 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's  
1790 office.

1791 (b) Any notice of dissolution filed by a political issues committee does not exempt that  
1792 political issues committee from complying with the financial reporting requirements of this  
1793 chapter.

1794 (5) (a) Unless the political issues committee has filed a notice of dissolution under  
1795 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,  
1796 notice of any change of an officer described in Subsection (2).

1797 (b) Notice of a change of a primary officer described in Subsection (2) shall:

1798 (i) be filed within ten days of the date of the change; and

(ii) contain the name and title of the officer being replaced and the name, street address, occupation, and title of the new officer.

(6) (a) A person is guilty of providing false information in relation to a political issues committee if the person intentionally or knowingly gives false or misleading material information in the statement of organization or the notice of change of primary officer.

(b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful contribution if the political issues committee knowingly or recklessly accepts a contribution from a corporation that:

(i) was organized less than 90 days before the date of the general election; and

(ii) at the time the political issues committee accepts the contribution, has failed to file a statement of organization with the lieutenant governor's office as required by Section 20A-11-704.

(c) A violation of this Subsection (6) is a third degree felony.

Section 34. Section **20A-11-1101** is amended to read:

**20A-11-1101. Illegal to publish political materials in certain publications under certain conditions.**

(1) It is unlawful for an editor, manager, or other person controlling the publication of any newspaper or other periodical circulating in Utah that is wholly or partially owned by a media owner to print or cause to be printed any matter that is intended or tends to influence, directly or indirectly, any voting at any primary or election in this state unless the candidate-related media owner has filed the statement required by Section 20A-11-102.

(2) Any editor, manager, or other person who violates this section is guilty of a class B misdemeanor.

Section 35. Section **20A-11-1202** is amended to read:

**20A-11-1202. Definitions.**

As used in this ~~chapter~~ part:

(1) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.

(2) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation agency that receives its revenues from conduct of its commercial operations.

1830 (b) "Commercial interlocal cooperation agency" does not mean an interlocal  
1831 cooperation agency that receives some or all of its revenues from:

1832 (i) government appropriations;  
1833 (ii) taxes;  
1834 (iii) government fees imposed for regulatory or revenue raising purposes; or  
1835 (iv) interest earned on public funds or other returns on investment of public funds.

1836 (3) "Expenditure" means:

1837 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
1838 or anything of value ~~[made for political purposes]~~;

1839 (b) an express, legally enforceable contract, promise, or agreement to make any  
1840 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
1841 value ~~[for political purposes]~~;

1842 (c) a transfer of funds between a public entity and a candidate's personal campaign  
1843 committee;

1844 (d) a transfer of funds between a public entity and a political issues committee; or  
1845 (e) goods or services provided to or for the benefit of a candidate, a candidate's  
1846 personal campaign committee, or a political issues committee for political purposes at less than  
1847 fair market value.

1848 (4) "Governmental interlocal cooperation agency" means an interlocal cooperation  
1849 agency that receives some or all of its revenues from:

1850 (a) government appropriations;  
1851 (b) taxes;  
1852 (c) government fees imposed for regulatory or revenue raising purposes; or  
1853 (d) interest earned on public funds or other returns on investment of public funds.

1854 (5) (a) "Influence" means to campaign or advocate for or against a ballot proposition.  
1855 (b) "Influence" does not mean providing a brief statement about a public entity's  
1856 position on a ballot proposition and the reason for that position.

1857 (6) "Interlocal cooperation agency" means an entity created by interlocal agreement  
1858 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

1859 (7) "Local district" means an entity under Title 17B, Limited Purpose Local  
1860 Government Entities - Local Districts, and includes a special service district under Title 17A,

Chapter 2, Part 13, Utah Special Service District Act.

(8) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, that solicits or receives [~~contributions~~] a contribution from any other person, group, or entity and makes [~~expenditures~~] an expenditure from [~~these contributions~~] one or more contributions to influence, or to intend to influence, directly or indirectly, any person to assist in placing a ballot proposition on the ballot, to assist in keeping a ballot proposition off the ballot, or to refrain from voting or to vote for or to vote against any ballot proposition.

(b) "Political issues committee" does not mean an entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public.

(9) "Political purposes" means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

(10) (a) "Public entity" includes the state, each state agency, each county, municipality, school district, local district, governmental interlocal cooperation agency, and each administrative subunit of each of them.

(b) "Public entity" does not include a commercial interlocal cooperation agency.

(c) "Public entity" includes local health departments created under Title 26, Chapter 1, Local Health Departments.

(11) (a) "Public funds" means any monies received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.

(b) "Public funds" does not include monies donated to a public entity by a person or entity.

(12) (a) "Public official" means an elected or appointed member of government with authority to make or determine public policy.

(b) "Public official" includes the person or group that:

(i) has supervisory authority over the personnel and affairs of a public entity; and

(ii) approves the expenditure of funds for the public entity.

(13) (a) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,

1892 unit, bureau, panel, or other administrative unit of the state.

1893 (b) "State agency" includes the legislative branch, the Board of Regents, the  
1894 institutional councils of each higher education institution, and each higher education  
1895 institution.

1896 Section 36. Section **20A-11-1203** is amended to read:

1897 **20A-11-1203. Public entity prohibited from expending public funds on certain**  
1898 **electoral matters.**

1899 (1) Unless specifically required by law, a public entity may not make [~~expenditures~~] an  
1900 expenditure from public funds for political purposes or to influence a ballot proposition.

1901 (2) Nothing in this chapter prohibits a public official from speaking, campaigning,  
1902 contributing personal monies, or otherwise exercising the public official's individual First  
1903 Amendment rights for political purposes.

1904 (3) Nothing in this chapter prohibits a public entity from providing factual information  
1905 about a ballot proposition to the public, so long as the information grants equal access to both  
1906 the opponents and proponents of the ballot proposition.

1907 (4) Nothing in this chapter prohibits a public entity from the neutral encouragement of  
1908 voters to vote.

1909 (5) Nothing in this chapter prohibits a public entity from preparing information  
1910 analyzing the pros and cons of a ballot proposition when requested to do so by the public  
1911 entity's governing body.

1912 (6) Nothing in this chapter prohibits an elected official from campaigning or  
1913 advocating for or against a ballot proposition.

1914 (7) A violation of this section does not invalidate an otherwise valid election.

1915 Section 37. Section **20A-11-1302** is amended to read:

1916 **20A-11-1302. School board office candidate -- Financial reporting requirements**  
1917 **-- Year-end summary report.**

1918 (1) Each school board office candidate shall file a summary report by January 5 of the  
1919 year after the regular general election year.

1920 (2) (a) Each summary report shall include the following information as of December 31  
1921 of the last regular general election year:

1922 (i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the ~~[calendar]~~ last regular general election year ~~[in which the summary report is due];~~

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the last regular general election year;

(iv) a detailed listing of each receipt, contribution, and public service assistance since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

(b) (i) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the last regular general election year.

(3) The summary report shall contain a paragraph signed by the school board office candidate certifying that, to the best of the school board office candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the last regular general election year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) School board office candidates reporting under this section need only report receipts received and expenditures made after May 5, 1997.

Section 38. Section **20A-12-201** is amended to read:

**20A-12-201. Judicial appointees -- Retention elections.**

(1) (a) Each appointee to a court of record is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

1954 (i) each Supreme Court justice shall be on the regular general election ballot for an  
1955 unopposed retention election every tenth year; and

1956 (ii) each judge of other courts of record shall be on the regular general election ballot  
1957 for an unopposed retention election every sixth year.

1958 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in  
1959 the year the justice or judge is subject to a retention election:

1960 (i) file a declaration of candidacy as if a candidate for multi-county office in  
1961 accordance with Section 20A-9-202; and

1962 (ii) pay a filing fee of \$50.

1963 (b) Each county justice judge who wishes to retain office shall, in the year the justice or  
1964 judge is subject to a retention election:

1965 (i) file a declaration of candidacy as if a candidate for county office in accordance with  
1966 Section 20A-9-202; and

1967 (ii) pay a filing fee of \$25.

1968 (3) (a) The lieutenant governor shall, ~~by~~ no later than September ~~[1]~~ 8 of each regular  
1969 general election year:

1970 (i) transmit a certified list containing the names of the justices of the Supreme Court  
1971 and judges of the Court of Appeals declaring their candidacy to the county clerk of each  
1972 county; and

1973 (ii) transmit a certified list containing the names of judges of other courts declaring  
1974 their candidacy to the county clerk of each county in the geographic division in which the judge  
1975 filing the declaration holds office.

1976 (b) Each county clerk shall place the names of justices and judges standing for  
1977 retention election in the nonpartisan section of the ballot.

1978 (4) At the general election, the ballots shall contain, as to each justice or judge of any  
1979 court to be voted on in the county, the following question:

1980 "Shall \_\_\_\_\_ (name of justice or judge) be retained in the  
1981 office of \_\_\_\_\_?" (name of office, such as "Justice of the Supreme  
1982 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the  
1983 Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District";  
1984 "County Justice Court Judge of (name of county) County")



1985 Yes ()

1986 No ()."

1987 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge  
1988 is retained for the term of office provided by law.

1989 (b) If the justice or judge does not receive more yes votes than no votes, the justice or  
1990 judge is not retained, and a vacancy exists in the office on the first Monday in January after the  
1991 regular general election.

1992 (6) A justice or judge not retained is ineligible for appointment to the office for which  
1993 the justice or judge was defeated until after the expiration of that term of office.

1994 Section 39. Section **20A-14-103** is amended to read:

1995 **20A-14-103. State Board of Education members -- When elected -- Qualifications**  
1996 **-- Avoiding conflicts of interest.**

1997 (1) (a) In 2002 and every four years thereafter, one member each shall be elected from  
1998 new Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.

1999 (b) In 2004 and every four years thereafter, one member each shall be elected from new  
2000 Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.

2001 (c) (i) Because of the combination of certain former districts, the state school board  
2002 members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out  
2003 the term for which they were elected, but shall stand for election in 2002 for a term of office of  
2004 four years from the realigned district in which each resides.

2005 (ii) If one of the incumbent state school board members from new District 1 indicates  
2006 in writing to the lieutenant governor that the school board member will not seek reelection, that  
2007 incumbent state school board member may serve until January 1, 2003 and the other incumbent  
2008 state school board member shall serve out the term for which the member was elected, which is  
2009 until January 1, 2005.

2010 (2) A person seeking election to the state school board must have been a resident of the  
2011 board district in which the person is seeking election for at least one year as of the date of the  
2012 election.

2013 [~~(2)~~] (3) A member shall:

2014 (a) be and remain a registered voter in the board district from which the member was  
2015 elected or appointed; and

2016 (b) maintain ~~[his]~~ the member's primary residence within the board district from which  
2017 the member was elected or appointed during the member's term of office.

2018 ~~[(3)]~~ (4) A member of the State Board of Education may not, during the member's term  
2019 of office, also serve as an employee of:

2020 (a) the board~~;~~;

2021 (b) the Utah State Office of Education~~;~~; or

2022 (c) the Utah State Office of Rehabilitation.

2023 Section 40. Section **20A-14-202** is amended to read:

2024 **20A-14-202. Local Boards of Education -- Membership -- When elected --**  
2025 **Qualifications -- Avoiding conflicts of interest.**

2026 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school  
2027 district with a student population of up to 24,000 students shall consist of five members.

2028 (b) The board of education of a school district with a student population of more than  
2029 10,000 students but fewer than 24,000 students shall increase from five to seven members  
2030 beginning with the 2004 regular general election.

2031 (c) The board of education of a school district with a student population of 24,000 or  
2032 more students shall consist of seven members.

2033 (d) Student population is based on the October 1 student count submitted by districts to  
2034 the State Office of Education.

2035 (e) If the number of members of a local school board is required to change under  
2036 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in  
2037 Sections 20A-14-201 and 20A-14-203.

2038 (f) A school district which now has or increases to a seven-member board shall  
2039 maintain a seven-member board regardless of subsequent changes in student population.

2040 (g) (i) Members of a local board of education shall be elected at each regular general  
2041 election.

2042 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local  
2043 board of education may be elected to a five-member board, nor more than four members  
2044 elected to a seven-member board, in any election year.

2045 (iii) More than three members of a local board of education may be elected to a  
2046 five-member board and more than four members elected to a seven-member board in any

2047 election year only when required by reapportionment or to fill a vacancy or to implement  
2048 Subsection (1)(b).

2049 (h) One member of the local board of education shall be elected from each local school  
2050 board district.

2051 (2) A person seeking election to a local school board must have been a resident of the  
2052 board district in which the person is seeking election for at least one year as of the date of the  
2053 election.

2054 [~~2~~] (3) A member of a local school board shall:

2055 (a) be and remain a registered voter in the local school board district from which the  
2056 member is elected or appointed; and

2057 (b) maintain [~~his~~] the member's primary residence within the local school board district  
2058 from which the member is elected or appointed during the member's term of office.

2059 [~~3~~] (4) A member of a local school board may not, during the member's term in  
2060 office, also serve as an employee of that board.